

ORIGINAL



0000019100

BEFORE RECEIVED ARIZONA CORPORATION COMMISSION

25 FD

COMMISSIONERS

JEFF HATCH-MILLER, Chairman

WILLIAM A. MUNDELL

MARC SPITZER

MIKE GLEASON

KRISTIN K. MAYES

2005 APR 22 P 12:23

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED

APR 22 2005

DOCKETED BY

KS

IN THE MATTER OF THE APPLICATION OF
WWC LICENSE LLC ("WESTERN WIRELESS
CORPORATION") FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER
AND REDEFINITION OF RURAL TELEPHONE
COMPANY SERVICE AREA.

DOCKET NO. T-04248A-04-0239

PROCEDURAL ORDER

BY THE COMMISSION:

On March 26, 2004, WWC License LLC dba CellularOne ("Western Wireless") filed the above-captioned application with the Arizona Corporation Commission ("Commission").

On August 17, 2004, Western Wireless filed a Request for Procedural Conference to address the timing and conduct of the proceeding in this docket. A procedural conference was held as scheduled on September 2, 2004. Western Wireless, Arizona Local Exchange Carriers Association ("ALECA"), Verizon California Inc. and the Commission's Utilities Division Staff ("Staff") entered appearances through counsel.

On December 30, 2004, Staff filed its Staff Report in this matter, recommending approval of the application subject to conditions.

Western Wireless filed its Response to Staff Report on February 18, 2005, and ALECA filed its Response on February 22, 2005. Both Western Wireless' and ALECA's Responses requested that the Commission modify conditions recommended by the Staff Report.

A procedural conference was convened on March 10, 2005. Western Wireless, ALECA and Staff appeared through counsel. The parties stated that the Federal Communications Commission ("FCC") had recently issued a press release stating that it would soon issue a Report and Order adopting additional requirements to apply to carriers seeking designation as an ETC from the FCC.¹ Staff proposed to review the new FCC ETC Order, ascertain how it applies to this case, and file a supplemental Staff Report within 30 days of the public release of the new FCC ETC Order. Western Wireless and ALECA both agreed with the concept of a supplement to the Staff report addressing the

¹ On March 17, 2005, the FCC released a Report and Order in FCC Docket No. FCC 05-46, In the Matter of the Federal-State Joint Board on Universal Service, adopted on February 25, 2005.

1 new FCC ETC Order. By Procedural Order issued April 8, 2005, Staff was directed to file a
2 supplemental Staff Report on the application within 30 days of the date the FCC Report and Order in
3 FCC Docket No. FCC 05-46 was made publicly available.

4 On April 15, 2005, Staff filed a Supplemental Staff Report on the application, recommending
5 approval subject to revised conditions and reporting requirements. Staff recommended that Western
6 Wireless be required to file a five-year network improvement plan prior to a hearing or Decision in
7 this matter, and that Staff be allowed to provide a supplemental filing in response to the plan within
8 60 days of its filing.

9 On April 22, 2005, a telephonic procedural conference was held for the purpose of allowing
10 the parties to discuss remaining procedural issues associated with this proceeding. Western Wireless,
11 ALECA and Staff appeared through counsel. Western Wireless stated that it wished to have an
12 opportunity to formally respond to legal and practical issues raised in the Supplemental Staff Report.
13 ALECA indicated that it wished to have the opportunity to reply to Western Wireless' response.

14 The parties agreed to a procedural schedule by which the parties could file any Responsive
15 Comments to the Supplemental Staff Report by May 13, 2005, and by which any Reply Comments
16 would be filed by May 27, 2005.

17 IT IS THEREFORE ORDERED that WWC License LLC dba CellularOne and the Arizona
18 Local Exchange Carriers Association shall file, by May 13, 2005, their Responsive Comments, if any,
19 to the April 15, 2005 Supplemental Staff Report. The Responsive Comments shall include responses
20 to all issues raised in the Supplemental Staff Report, and shall include supporting legal arguments.

21 IT IS FURTHER ORDERED that WWC License LLC dba CellularOne, the Arizona Local
22 Exchange Carriers Association, and the Commission's Utilities Division Staff shall file, by May 27,
23 2005, their Reply Comments, if any, to the May 13, 2005 Responsive Comments. The Reply
24 Comments shall include supporting legal arguments.

25 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,
26 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
27 ruling at hearing.

28 DATED this 22^d day of April, 2005.


TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered
this 22 day of April, 2005 to:

Philip R. Schenkenberg
BRIGGS & MORGAN
2200 IDS Center
Minneapolis, MN 55402

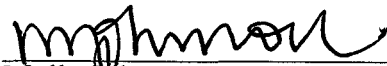
Michael W. Patten
ROSHKA HEYMAN & DeWULF
One Arizona Center
400 E. Van Buren Street, Ste. 800
Phoenix, AZ 85004

Jeffrey W. Crockett
Deborah R. Scott
Kimberly A. Grouse
SNELL & WILMER
One Arizona Center
Phoenix AZ 85004-0001
Attorneys for ALECA

Christopher Kempley, Chief Counsel
Timothy Sabo, Attorney
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, AZ 85007

Ernest Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, AZ 85007

By:


Molly Johnson
Secretary to Teena Wolfe